



U.S. Department of Justice

United States Attorney
Southern District of New York**MEMO ENDORSED**86 Chambers Street
New York, New York 10007DOCUMENT
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VIA FACSIMILE

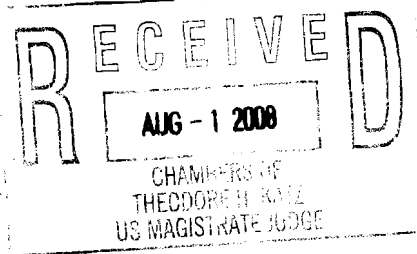
Hon. Theodore H. Katz

United States Magistrate Judge

Daniel Patrick Moynihan United States Courthouse

500 Pearl Street, Room 1660

New York, NY 10007

Re: Scarborough v. United States,
07 Civ. 6695 (HB) (THK)

Dear Judge Katz:

I write on behalf of the parties to update the Court on the status of discovery in the above-referenced case. After the parties exchanged expert reports and the cutoff for completion of discovery approached, the parties began preliminary discussions regarding the possibility of settling this case without having to incur the expenses associated with expert depositions. After a series of discussions, the parties were unable to reach an agreement, and have determined that depositions of the experts should proceed. The parties therefore respectfully request thirty days to complete discovery, including the depositions of the experts.

By order dated May 16, 2008, Your Honor ordered the parties to complete discovery by July 20, 2008, and this request for an extension is therefore being made nunc pro tunc. I apologize for not making this request prior to the expiration of the deadline, as I had been under the mistaken impression that the cutoff had been set for the end of July. This is the parties' second request for a discovery extension, as the Court previously extended the deadline from June 20 to July 20.

*All expert testimony shall be
completed by September 2, 2008.*

SO ORDERED

8/1/08

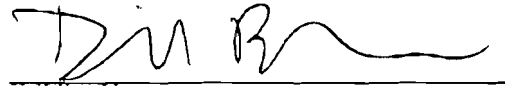
Theodore H. Katz
THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE

The parties thank the Court for its consideration of this request.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York

By:



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cc: Jeffrey Shapiro, Esq. (via pdf email attachment)